

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, )  
                                )  
                                )  
vs.                         )                              **CR 11-276**  
                               )  
                               )  
FRANK A. CALIGIURI, JR. )  
                               )  
                               )  
Defendant.                 )  
                               )

**MEMORANDUM ORDER**

Pending before the Court is Defendant Frank A. Caligiuri Jr.'s Petition for Expungement of Records and Case [ECF 45]. In support of his Petition, Mr. Caligiuri states that he "plead[ed] guilty, paid restitution and [is] seeking to clear his record to be able to continue to provide for his family." Petition, ¶ 13.

The United States Court of Appeals for the Third Circuit has held that a federal court does not have jurisdiction over requests to expunge criminal records that are based solely on equitable grounds and do not challenge the validity of the underlying criminal proceeding. See United States v. Rowlands, 451 F.3d 173, 178 (3rd Cir. 2006). Accordingly, because Mr. Caligiuri's Petition for Expungement of Records and Case is based solely on equitable grounds and does not challenge the validity of the underlying criminal proceeding, this Court lacks jurisdiction over his Petition and it must be dismissed.

AND NOW, this 14<sup>th</sup> day of June, 2016, it is hereby ORDERED, ADJUDGED, AND  
DECREEED that the pending Petition for Expungement of Records and Case [ECF 45] is  
DISMISSED

*Maurice B. Cohill*  
Maurice B., Cohill, Jr.  
Senior District Court Judge

cc: Frank A. Caligiuri, Jr.  
1415 Chestnut Ridge Drive  
Pittsburgh, PA 15205

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